

**CUSTODY, CHILD SUPPORT
and PARENTING TIME
(Formerly known as “VISITATION”)**

1

**To Change an
Existing Court Order
(Instruction Packet)**

SELF SERVICE CENTER

TO CHANGE A COURT ORDER FOR CUSTODY PARENTING TIME (formerly known as “VISITATION”) and CHILD SUPPORT

How to assemble these documents

This packet contains instructions to file papers for the court order to change child custody and/or parenting time with child support. Be sure the documents are in the following order:

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SELF-SERVICE CENTER

INFORMATION ON HOW TO GET A CHANGE OF CUSTODY, CHILD SUPPORT and PARENTING TIME (formerly known as "VISITATION")

IMPORTANT INFORMATION. The following is important information on when you can legally ask the court for a change of custody, parenting time and child support. Read it carefully **before** you fill out the Petition.

1. WHEN CAN YOU FILE FOR A CHANGE OF CUSTODY?

- A. IF YOU HAVE A JOINT CUSTODY ORDER** - You can **only** ask for a change of custody if the following applies to your case:
- At least one (1) year has passed since your joint custody order was signed by the court and there have been significant changes in circumstances that make a change in custody necessary for the good of the child, **OR**
 - At least six (6) months have passed and the other parent has not followed the joint custody order, **OR**
 - There has been domestic violence, spousal abuse, or child abuse and you have evidence that the best interest of your child(ren) requires a change.
- B. IF YOU HAVE A SOLE CUSTODY ORDER** - You can **only** ask for a change of custody if the following applies to your case:
- at least one(1) year has passed since your sole custody order was signed by the court, and there have been significant changes in circumstances that make a change in custody necessary for the good of the child, **OR**
 - There is reason to believe that the child(ren)'s current environment may seriously endanger the child(ren)'s physical, mental, moral or emotional health and your child(ren) is/are at risk.

WARNING: If enough time has not passed since the signing of your decree/order to allow you to file for a change of custody, you **cannot** file for a change of custody, **unless** your case falls under one of the exceptions listed above. You may, however, want to seek mediation or counseling as soon as possible (see below).

IMPORTANT: If you have reason to believe that the other parent, or someone associated with the other parent, is physically abusing or hurting your child(ren), you should contact Child Protective Services or your local Police Department immediately. If your child is in a dangerous situation, you should take steps to file for an Emergency Change of Custody as soon as possible. You will also need to fill out the **"Petition to Modify Custody"** to get a permanent change of custody. All forms are available through the Self-Service Center.

2. THINGS TO CONSIDER BEFORE FILING A CHANGE OF CUSTODY:

- A.** Filing for a change of custody and/or parenting time is a **serious matter** and generally should be considered as a **last resort**. Raising a child in two households, arranging for parenting time, and making joint decisions about a child's welfare can lead to high levels of stress, conflict, and anger between you and the other party, and the child. Unless your child is in immediate physical or emotional risk you may want to seek counseling or mediation **before** you take legal action.

Mediation is a process where you and the other parent meet with a professional who will try to help you work together to find a solution to your problem. The mediator is not there to take sides, but can help you understand the other parent's point of view. The mediator will help you approach your problems in a way that will more likely lead to an agreement and will help you to focus on your child's needs first. Mediation services are available through Expedited Parenting time Services in the

Superior Court, or through private mediation services. You may also want to consider family counseling to learn how to better deal with ongoing problems. A list of mediators and counselors is available through the Self-Service Center or you can contact Community Information and Referral Services at 602-263-8856.

- B.** To change custody, you must convince the judge through appropriate evidence, that the best interests of the child(ren) requires that custody be changed. The judge usually will **not** change custody unless you can show that there is a **substantial and continuing change of circumstances**. What this means is that you must convince the judge that something has happened since the Decree or Order was signed that will be **continuing** and which makes you the better parent to have custody of the child. Changes like a new spouse, change or loss of job, or new place of residence are generally not enough to change custody.

You must show that the change or situation has a **substantial effect** on the child's well being. Judges generally do **not** want to put a child through another serious change in surroundings, unless he or she is convinced it is necessary for the child(ren)'s welfare.

There are many things the judge may look at in deciding "the best interest of the child(ren)." The law says that the court will look at issues such as:

- how the child relates to parents, brothers and sisters;
- how the child is doing in school and socially;
- which parent is more likely to cooperate in giving parenting time to the other parent;
- which parent is better able mentally and physically to care for the child;
- which parent has provided the primary care to the child; and
- evidence of what a parent has done to convince the other parent to make a custody agreement.

The court will give serious consideration to domestic violence against you, the child, or another person in the child's presence when deciding whether or not to change custody. Evidence of drug or alcohol abuse by either parent is also an important factor in a custody decision.

4. TIPS FOR FILING A CHANGE OF CUSTODY. A change of custody has several special requirements that you should understand before you begin.

- Tip #1:** Whenever possible, try to solve your custody problems through counseling or mediation, **unless** your child(ren) is/are at immediate risk. If you don't try to solve your problems before you file, your chances of success will be reduced in court.
- Tip #2:** Before you file, make sure six (6) months have passed since your final joint custody Decree/Order was signed, or one (1) full year has passed since your sole custody Decree/Order was signed, **unless** you meet an exception listed above.
- Tip #3:** Be sure that the changes in circumstances that caused you to request the change of custody are **important** and **related to issues** of your child's long term best interest. In other words, do **not** file for a change of custody, if you simply aren't getting along with the other parent or have changed your mind about custody. Be sure that if you are making allegations of abuse or neglect, that you have witnesses or evidence to back up your statements.
- Tip #4:** If your child(ren) has/have been **seriously hurt or physically abused**, contact the appropriate authorities and file a **"Petition for Emergency Custody"** to get the child out of the dangerous environment as soon as possible. You will still need to file a **"Petition to Change Custody."** These forms are available at the Self-Service Center.

SELF SERVICE CENTER

INSTRUCTIONS: HOW TO FILL OUT PAPERS FOR CHANGE OF CHILD CUSTODY, CHILD SUPPORT and PARENTING TIME (Formerly known as "VISITATION")

IMPORTANT INFORMATION: These instructions tell you how to fill out the forms to file a *"Petition for Change of Custody, parenting time and Child Support."* Before filling out the forms, you should read the Information on How to Get a Change of Custody to learn what you should know before you file your papers. Reading this information can save you a lot of time and trouble. You must make sure that it is not too soon for you to file and to find out if you have a legal basis to file.

1. **DOES THE SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY HAVE THE POWER TO HEAR YOUR CASE?** The answer to this question **must** be **"yes"** for you to file a Petition to Change Custody. Superior Court of Arizona in Maricopa County has the power to hear your case in the following cases:
 - A. **THE COURT ORDER YOU WANT TO CHANGE IS FROM THE SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY:** You will want to have a copy of your Order in front of you as you fill out these papers.
 - B. **IF THE COURT ORDER YOU WANT TO CHANGE IS FROM ANOTHER COUNTY IN ARIZONA:** Either party may file for change in custody but the child(ren) must have lived in Maricopa County for the last 6 months, or since birth. Here is what you must do:
 - ☛ Get a **certified copy** of the divorce decree, paternity, or child custody order from the other county, and
 - ☛ Bring the certified copy to the Clerk of Court when you file your court papers, and
 - ☛ The Clerk of Court will file the order and assign a new case number to your case.
 - C. **IF THE COURT ORDER YOU WANT TO CHANGE IS FROM A STATE OTHER THAN ARIZONA:** Talk to lawyer who can tell you what requirements are necessary for you to file a Petition for Modification in Arizona.
2. **IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE:** Domestic violence can be part of any relationship. Domestic violence can include physical violence, such as hitting, kicking, slapping or pushing, directed against you and/ or your children. Domestic violence can also include threats of physical violence and/or verbal abuse used to control your and/or your children. The other party does NOT need to have been convicted of domestic violence or assault for you to be a domestic violence victim, and you do not need to have sought medical care or been admitted to a hospital to be a victim.

All court documents request your address and phone number. If you are a victim of domestic violence, are in a domestic violence shelter, or if you do **not** want your address known to protect yourself or your children from further violence, you must file for an **"Order of Protection"** and ask that your address **not** be disclosed on court papers. With that Order, you do not need to put your address and phone number on your court papers. Just write "protected" when asked for this information and update the Clerk of the Court with an address and phone number as soon as possible.
3. **Family Court Post-Decree Coversheet** (Post Decree Modification or Enforcement)

Print or type in black ink.

Case Type: Check only one box that matches the legal procedure for which you are filing the documents in this packet.

Case Number: Write in the case number of the original case whose decision or order you are asking the Court to change or enforce.

Information About the Petitioner (*in the original action*): Regardless of who started *this* action for change or enforcement, write in the information, if you know it, for the person who was the Petitioner *in the original case*. If the Petitioner's address is protected, simply write "Protected" on the address line. If you are the Petitioner, and you want your address protected, DO NOT write your address on the coversheet. When you file your papers, tell the Clerk of the Court you want your address protected and they will give you a special form to complete. If you are the Petitioner and a lawyer represents you, write in the lawyer's name and bar number.

Information about the other party, the Respondent (*in the original action*): Regardless of who started *this* action for change or enforcement, write in the information, if you know it, for the person who was the Respondent *in the original case*. If the Respondent's address is protected, simply write "Protected" on the address line. If you are the Respondent, and you want your address protected, DO NOT write your address on the coversheet. When you file your papers, tell the Clerk of the Court you want your address protected and they will give you a special form to complete. If you are the Respondent and a lawyer represents you, write in the lawyer's name and bar number.

Minor Children Involved: List the names, dates of birth, and social security numbers for any minor children involved in this specific case.

Other Minor Children: If there are other children of either the Petitioner or the Respondent or both not involved with this case, list their names on the lines provided.

Other court cases: Check the appropriate box to tell this Court if either you or your spouse have been involved in any other cases, except a minor traffic offense, in any other court. If you check the Yes box, please describe the case, including case numbers and court location.

Domestic Violence Section: Answer the questions listed regarding domestic violence. This information will help court staff determine if this issue is relevant to this case.

Children's Issues Section: Answer the questions regarding the children you listed on *the "Family Court Cover Sheet."* This information will help court staff determine if these issues are relevant to this case, and/or whether a case exists in this Court already regarding any child you listed.

Interpreter: If you or your spouse need an interpreter, check the box for the appropriate party, one or both. **Language:** Check the box to indicate whether the interpreter is needed for Spanish or other language. If "Other", write in the language. This information helps the court estimate the need for interpreters. It is **NOT** an official request for an interpreter.

Location: If you are filing your documents in Phoenix, check the Downtown Phoenix box. If you are filing your documents in Mesa, check the Mesa box.

4. INSTRUCTIONS FOR FILLING OUT THE PETITION FOR CHANGE OF CUSTODY AND/OR PARENTING TIME WITH CHILD SUPPORT: (Use this form **only** if you already have a divorce, paternity, or child custody order.)

- A. PLEASE TYPE OR PRINT WITH BLACK INK ONLY!**
- B.** Make sure your form is titled ***"Petition for Change of Child Custody, Parenting time and Support."***
- C.** In the top left corner of the first page, fill out the following: **YOUR** name; address (if not protected); city; state, zip code; telephone number; and your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security. If you are represented by an attorney, write in the attorney's bar number, and then check the box to say whether you are representing yourself or you are represented by an attorney. If you are represented by an attorney, write in your name in the space provided.
- D.** Fill in the top section where it says Name of Petitioner AND Name of Respondent, exactly as it appears on your original Divorce, Paternity, or Child Custody papers. If your original case was a Paternity, remember that the Plaintiff is now called the Petitioner and the Defendant is now called the Respondent. If this is the first court case you are filing in Maricopa County, write in your name as Petitioner, and the other party as Respondent.
- E.** Fill in your case number on the line next to "Case Number" using your original case number from your paternity, divorce or child custody papers. If your court order was from another county, make sure you follow the steps above and use the new case number the Clerk of Court assigns you.

GENERAL INFORMATION:

- F. Information about Me:** Fill in your name, address (if not protected), social security, and how you are related to the children.
- G. Information about the Other Party:** Fill in the other party's name, address (if not protected) including city, state and zip code, social security number, and how the other party is related to the child(ren).
- H. Information about the children for whom I want the custody/parenting time order changed:** Provide the children's names, birth dates, and ages. Give information on all the children under 18 years of age for whom you are seeking to make a change in child custody, parenting time and child support.
- I. Affidavit regarding Minor Children.** If the children have resided in Arizona since the entry of the last Arizona Custody Order check the first box. If not, you must attach an Affidavit regarding Minor Children and check the second box. The Affidavit regarding Minor Children form is in the forms packet.
- J. Information about the Order I want to change.** Check box A or box B, and then complete the information after the box you checked. If your previous decree/order is from Maricopa County, check box A, and write in the date the judge signed the Order, and the name of the judge who signed the Order. If your decree/order is from another county in Arizona or from another state, check box B and write the date the judge signed the Order, name of the state (if it applies) and name of the county. You must also make sure to get

a **certified copy** of the decree/order from the other court and then file the certified copy with the Superior Court of Maricopa County when you file your Petition. **Important: If your decree/order on custody is from another County or State, the children usually will need to have lived in Maricopa County for at least six (6) months before you can file for a change.**

- K. Domestic Violence.** Tell the court whether **no** significant domestic violence has occurred, **or** if it has a check explain it to the court.
- L. What your Order now says:** This is where you tell the judge exactly what part of your decree/order you want to change. You should find your current decree/order, read it carefully several times and then decide what parts you want to change. Find the part you don't agree with and then **COPY IT WORD FOR WORD** into the space provided here or you may incorporate the Order and attach a copy of the Order to the judge's copy of the Petition and all other parties' copies of the Petition. Do not attach the Order to the original Petition.
- M. Why the Decree/Order should be changed:** This is where you briefly explain to the judge why you think a change of your decree/order is necessary for the best interest of the child. If you need more room, you can use extra sheets of paper and attach it to this Petition.

REQUESTS I MAKE TO THE COURT: This is where you explain to the judge what you want your decree/order on custody to say.

A. CUSTODY AND PARENTING TIME:

1. **JOINT CUSTODY:** If you are asking for joint custody, check this box, and write in the names of the child(ren) in the space provided. If you check this box, complete the **"Parenting Plan"** before you go to the judge for your final order. The **"Parenting Plan"** and **"Parent Child Access Guidelines"** are in the "Orders" packet.
2. **SOLE CUSTODY:** If you want sole custody, check the boxes that apply, including the parenting time you are asking for. Tell the court whether you want custody of the children to go to you or the other party.
 - a. **PARENTING TIME:** Mark one box only. You can ask that the non-custodial parent (the parent having physical custody of the child less than 50% of the time) have one of the following types of parenting time:
 1. **Reasonable Parenting time**--this suggests an amount of parenting time appropriate to the age of the child. The Court offers suggested amounts of parenting time. These amounts are based on the Guidelines. If you agree with the Guidelines and want parenting time to be based on the Guidelines, check this box.
 2. **Reasonable Parenting time by agreement of both parents**--Complete the **"Parenting Plan"** before you go to the judge for your final order. The **"Parenting Plan"** and **"Parent Child Access Guidelines"** are in the "Orders" packet.
 3. **Supervised Parenting time to the Non-Custodial Parent.** You should request supervised parenting time if the non-custodial

parent cannot adequately care for the child(ren) without another person present. You may request this if the person not having custody abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for the child(ren) without another adult present. Remember, supervised parenting time is not intended to punish the parent, but to protect the child(ren). You must write the reasons why parenting time should be supervised.

4. **No Parenting time to the Non-Custodial Parent.** You should mark this box **only** if the non-custodial parent has seriously harmed, abused, or otherwise is a serious danger to the child(ren)'s physical and emotional health, or if there is a criminal court order stating there is to be no contact between the child(ren) and the non-custodial parent. This is a last resort to protect the child(ren).

- B. **CHILD SUPPORT:** Mark which party should pay child support. Even if you do not want to change the child support amount, the judge will still review all the financial information about child support if the judge is considering to change an order on custody. The person who has custody of the child(ren), or who has physical care of the child(ren) more than 50% of the time is the person who should receive the support. The other party, often referred to as the "non-custodial" parent, must pay the support. The amount of the support is generally determined by income of the parties according to court guidelines. Write in the amount of support you are requesting after you have filled out **the "Child Support Worksheet"** (short version). This form is included in the packet and has instructions on how to fill it out. The **"Child Support Guidelines"** are in the "Orders" packet.
- C. **HEALTH, MEDICAL, DENTAL INSURANCE PAYMENTS AND EXPENSES:** Mark which party should be responsible for health, medical, dental insurance and other related expenses. Then write in what percentage mother should pay and what percentage father should pay of those expenses not covered by insurance. The total percentage must be 100%.
- D. **INCOME TAX DEDUCTION.** Tell the court whether mother or father should claim the children as income tax deductions every year or every other year.
- E. **OTHER ORDERS:** Fill in this information only if you have made other requests to the court. Write the specific additional orders you are requesting the court to make that were not covered elsewhere in your Petition. Use extra pages if necessary.

OATH AND VERIFICATION: The Oath and Verification must be signed in front of a notary or deputy clerk. You should only sign the Oath and Verification after you have carefully reviewed your Petition and believe that everything contained in the Petition is true and accurate. By signing the Petition under Oath you are swearing, under penalty of perjury, that the information is true.

5. **WHAT TO DO NEXT:** Read and follow the instructions in the document called Procedures: What to do After You Have Completed the Petition to Change Custody, Parenting time and Child Support.

SELF SERVICE CENTER

PROCEDURES: WHAT TO DO AFTER YOU HAVE COMPLETED THE PETITION FOR CHANGE OF CUSTODY, CHILD SUPPORT And PARENTING TIME (Formerly known as "VISITATION")

1. **Complete all the paperwork:** Here is the court paperwork you must complete:
 - ◆ **"Family Court Post-Decree Coversheet", "Petition for Change of Custody, Parenting time and Child Support"**
 - ◆ **"Order to Appear"** also known as an **"Order to Show Cause:"** Complete the information on the top about you, and fill the name of Petitioner and Respondent, and the Case Number.
 - ◆ **"Affidavit Regarding Minor Children."** If the children have resided in Arizona since the date of the last custody order, you do not need to fill out this form. If the children have not resided in Arizona since the date of the last custody order fill out all of **the "Affidavit Regarding Minor Children."**
 - ◆ **"Child Support Worksheet."** Follow the instructions that tell you how to complete this form.

2. **Make copies and file the papers with the Clerk of the Court:** Make three (3) copies of the paperwork you completed: one for you, one for the judge, and one for the other party.

Each set should contain the following documents:

Original:

"Petition"

"Order to Appear"

"Affidavit Regarding Minor Children" (if applicable)

"Child Support Worksheet"

"Family Court Post-Decree Coversheet"

Judge's Copy:

"Petition"

"Order to Appear"

"Affidavit Regarding Minor Children" (if applicable)

"Child Support Worksheet"

Your Copy:

"Petition"

"Order to Appear"

"Affidavit Regarding Minor Children" (if applicable)

"Child Support Worksheet"

Other Party's Copy:

"Petition"

"Order to Appear"

"Affidavit Regarding Minor Children" (if applicable)

"Child Support Worksheet"

The filing fee, as of January 1, 1998, is \$61.00. If you cannot afford the fee, ask for the paperwork on deferring filing fees. You can also get a deferral of the fees for the sheriff to serve the papers, if you qualify.

File the **original** documents and all the copies listed above with the Clerk of the Court at the filing counter. The Clerk will give you back the **original "Order to Appear"** for the judge to sign. Ask the clerk to stamp the extra copies for you too. These are called "conformed" copies.

3. **Mail or hand-deliver the papers to the judge who is assigned to your case:** Go to the IN-BOX of the judge who is assigned to your case if you are filing your case at the downtown Phoenix location, or go to Court Administration if you are filing your case at the Southeast Court Facility (Mesa) or Northwest Court Facility (Surprise). If you are not sure which judge is assigned, go to Family Court Administration and staff will tell you which judge is assigned and where to take the papers. Also give the judge:
 - ◆ A 9 x 12 self addressed, stamped envelope so the staff can mail the judge's decision to you.
4. **What the judge will do:** The judge will decide one of the following, based on the paperwork you submitted.
 - ◆ To schedule a hearing for you and the other party to come to talk to the judge about the case.
 - ◆ To dismiss the case because the judge thought your paperwork did not show a good reason for the change you want
 - ◆ Other orders the judge thinks proper.

5. **Wait to hear back from the judge about your court hearing:** Wait a couple of weeks for the hearing date to be set. The judge will write an order stating what the judge decided to do with your case. Read the judge's order carefully, so you know what the judge decided to do next.

If you left a self-addressed 9 x 12 inch envelope with sufficient postage, the judge's staff will send the judge's decision and papers back to you. Otherwise, you must come back to court about a week or so after you dropped off the forms and get them from the judge's OUT-BOX. You can call the judge's office to learn whether a hearing date has been set.

If the judge decided to hear your case, the staff will return to you the **original and two copies** of the **"Order to Appear."**

6. **Serve the papers on the other party:** If the judge decided to set a hearing, you must arrange for service of the following papers on the other party:

- ◆ A copy of the **"Petition for Change of Custody, Parenting time and Child Support."**
- ◆ A copy of the **"Order to Appear"**
- ◆ A copy of your **"Child Support Worksheet"** and a blank copy.
- ◆ A copy of the **"Affidavit Regarding Minor Children"** (if applicable)

Sometimes the other party will **ACCEPT** service in which case he/she must sign and you must file **"Notice of Acceptance of Service"** and the original **"Order to Appear."** If the other party does **not** accept service, then you must contact a process server or the sheriff to serve the papers on the other party. Give the process server or sheriff a **copy and the original "Order to Appear."** After service, the process server or sheriff will file an **"Affidavit of Service"** and will file the original **"Order to Appear"** with the Clerk of the Court. If the other party has a lawyer, or a lawyer from the Attorney General's office has appeared in the case on the child support part, then you also **must** mail or hand-deliver a **copy** of the papers to that lawyer.

7. **Go to the court hearing and bring the Order papers. (See packet 4):** Be sure to write down the date, time and place of the court hearing, and go to the hearing. **Be on time.** Dress neatly. Be prepared to present your evidence about why the judge should order the change you requested. Do not bring children to court.

PARENT'S WORKSHEET INSTRUCTIONS

This worksheet provides the information the court needs to determine child support amounts in accordance with Arizona's Child Support Guidelines. You may get a copy of the Guidelines from the Clerk of the Superior Court's office or the Self-Service Center. An automated child support calculator is also available on the Supreme Court's website at <http://www.supreme.state.az.us/childsup>.

COMPLETE THIS WORKSHEET IF:

**NOTE: THESE INSTRUCTIONS CAN BE MADE AVAILABLE IN LARGE FORMAT
OR ON AUDIO TAPE UPON REQUEST**

Need Help with the calculations? Call 602-506-3762 for an appointment for assistance at the Phoenix, Surprise, or Mesa courthouse locations. Ask for the "Calculations Department."

- You are a party to a court action to establish a child support obligation **or** to modify an existing order for child support.

TO COMPLETE THIS WORKSHEET YOU WILL NEED TO KNOW:

- Your case number.
- Your monthly gross income and that of the other parent.
- The monthly cost of medical insurance for the children who are the subject of this action.
- Monthly child care amounts paid to others.
- The number of days the child(ren) spend with the non-custodial parent.
- Monthly obligations of yourself and the other parent for child support or court-ordered spousal maintenance/support.

FOLLOW THESE INSTRUCTIONS WHICH ARE NUMBERED TO MATCH THE IDENTIFYING NUMBERS IN PARENTHESES ON THE FORM. TYPE OR PRINT NEATLY USING BLACK INK. The number in brackets after the instructions tells you where to look in the Guidelines for this item, for example, [Guidelines 5].

BASIC INFORMATION

- (1) Type or print the name, mailing address, and daytime and evening phone number of the person filing the form. If you are representing yourself without an attorney check the box in front of "Self". (The space marked "state bar number" is used **only** if an attorney is preparing this form.)
- (2) Type or print the name of the county in which this worksheet is being filed. (This may already be printed on the form.)
- (3) If you are providing this information to establish a child support amount, Type or print the name, date of birth (DOB), and social security number (SSN) of the person shown as the petitioner on the original petition filed in the case that requests a support order be established.

If you are providing this information to modify your current support amount, Type or print the name, date of birth (DOB), and social security number (SSN) of the person who is shown as the Petitioner on the order that established the current support order.

- (4) Type or print the name, date of birth (DOB), and social security number (SSN) of the person shown as the Respondent on the document you used to answer Item 3.
- (5) Type or print your case number and the ATLAS number. If you do not have a case number, leave this item blank. If you do not have an ATLAS number, leave this item blank.
- (6) Mark the appropriate box(es) to indicate the party or parties completing the form.

NOTE:

- ✓ Terms such as “gross income” and “adjusted gross income” as used here do not have the same meaning as when they are used for tax purposes.
- ✓ “Gross Income” is not your “take home pay”, it is the higher amount shown before any deductions are taken out of your check.
- ✓ If you are converting a weekly “gross income” figure to a “monthly gross income” figure, multiply the weekly amount by 4.33 (52 weeks divided by 12 months = 4.33 average weeks in a month).

MONTHLY GROSS INCOME

- (7) If you estimate or attribute income in Item 8, check the box indicating which parent's income is estimated or attributed, and explain in Item 7 on the Basis For Amounts Shown on Worksheet. Examples of ESTIMATED income: He was promoted to supervisor and I know that position pays more; she has the same job as my sister, who works at the same place and makes this amount. Example of ATTRIBUTED income: My ex-wife was a secretary earning \$1500/month. Now she has remarried and is staying home as a homemaker.
- (8) Type or print the total amount of your Gross Income each month. Gross income means the amount before taxes and other deductions are taken out. For income from self-employment, rent, royalties, proprietorship of a business, joint ownership of a partnership or closely held corporation, gross income means gross receipts minus ordinary and necessary expenses required to produce income. What you include as “ordinary and necessary expenses” may be adjusted by the court, if deemed inappropriate for determining gross income for child support. Ordinary and necessary expenses include one-half of the self-employment tax actually paid. Gross Income includes monies from:

- | | |
|--|---|
| • Salaries | • Annuities |
| • Bonuses | • Recurring Gifts |
| • Worker's Compensation Benefits | • Royalties |
| • Wages | • Capital Gains |
| • Dividends | • Prizes (including lottery winnings) |
| • Unemployment Insurance Benefits | • Interest |
| • Self-employment | • Social Security Benefits |
| • Severance Pay | • Spousal Maintenance (Item 9) |
| • Disability Insurance Benefits (including Social Security disability) | • Commissions |
| • Income from a Business | • Retirement Plans |
| • Pensions | • Trust Income |
| • Rental Income | • Expense Reimbursements (that reduce personal living expenses) |

Gross Income **does not include** benefits from public assistance programs such as Temporary Assistance for Needy Families (TANF), Supplemental Social Security Income (SSI), Food Stamps, and General Assistance (GA); and, it **does not include** child support payments received.

Also type or print the total monthly gross income for the other parent, to the best of your knowledge. If a parent is unemployed or underemployed, you may ask the court to attribute income to that parent by entering an **estimate** of what you think that parent would be earning if he or she worked at full earning

capacity. The court shall presume, in the absence of contrary testimony, that a non-custodial parent is capable of full-time employment at least at the federal adult minimum wage. [Guidelines 4.e.] This presumption **does not** apply to non-custodial parents under the age of eighteen who are attending high school. If gross income is attributed to the parent receiving support, appropriate child care expenses may also be attributed at Item 17.

If you are completing this Parent's Worksheet as part of a modification proceeding and your income is different from the court's most recent findings, you must attach documentation to verify your current income. The documentation should include: your most recent tax return, W-2, or 1099 forms and your most recent paycheck stub showing year-to-date information. If these are not available, provide other documentation such as a statement of earnings from your employer showing year-to-date income.

If you are completing this Parent's Worksheet as part of a modification proceeding and the income you show for the other party is different from that listed on the court's most recent findings regarding income of that parent, you must attach documentation of the amount **or** mark the box in Item 7 to show that the income amount is estimated/attributed and explain the basis for the amount shown in Item 7 on the Basis For Amounts Shown on Worksheet. [Guidelines 4]

ADJUSTMENTS TO MONTHLY GROSS INCOME

- (9) Type or print the total monthly amount of court-ordered spousal maintenance/support you and/or the other parent actually **pay to** a former spouse **or receive from** a former spouse. Also, the amount that is paid or received or will be paid or received in this court case each month. Spousal maintenance/support paid is a deduction from gross income. [Guidelines 2.c. and 5.a.]
- (10) Type or print the total amount of court-ordered child support you and/or the other parent actually pay or contribute each month for children of other relationships. [Guidelines 5.a. and 5.c.]
- (11) You may ask the court to consider the financial obligation you have to support other natural or adopted children for whom there is no court order requiring you to pay support. If you choose to do this, the adjustment amount you may request is determined by a simplified application of the guidelines. On the Schedule of Basic Child Support Obligations, find the amount that is closest to the adjusted gross income amount of the parent requesting an adjustment. Go to the column for the number of children in question. Enter the amount shown there in Item 11. Complete Item 11 on the Basis For Amounts Shown on Worksheet to explain why you are requesting an adjustment, include the names, dates of birth and social security numbers of the children for whom an adjustment is requested. [Guidelines 5.c.]
- (12) For each parent, add or subtract the numbers in Items 9 through 11 from the number in Item 8. Write the results for each parent on the line in Item 12. This is the Adjusted Monthly Gross Income for each parent. [Guidelines 6]

COMBINED ADJUSTED MONTHLY GROSS INCOME

- (13) Add the two numbers in Item 12 together (the one for the father and the one for the mother). This total is the Combined Adjusted Monthly Gross Income.

BASIC CHILD SUPPORT OBLIGATION

- (14) Enter the number of children from this relationship for whom support is being sought in this court action. Complete Item 14 on the Basis For Amounts Shown on Worksheet, including the name(s), date(s) of birth(s) and social security number(s) of the child(ren) for whom support is requested. Indicate if any of the children are age 12 or older.
- (15) On the Schedule of Basic Child Support Obligations, locate the amount that is closest to the Combined Adjusted Monthly Gross Income listed in Item 13. Go to the column for the number of children listed in Item 14. This amount is your Basic Child Support Obligation, enter it in Item 15. [Guidelines 7]

ADJUSTMENTS FOR NECESSARY EXPENSES

Place in the column for the parent paying the expenses.

- (16) Type or print the monthly dollar amount of that portion of the insurance premium that is or will be paid for court-ordered medical and/or dental insurance for the child(ren) who is/are the subject(s) of this order. [Guidelines 8.a.]
- (17) If the parent with primary physical custody is working or if you have attributed income to that parent in Item 7, type or print the monthly cost of work-related child care that parent pays. If these costs vary throughout the year, add the amounts for each month together and divide by 12 to annualize the cost. [Guidelines 8.b.1.A]
- (17a) The court may apportion the benefit the custodial parent derives from any federal child and dependent care tax credits. If the custodial parent qualifies for a federal tax credit enter the amount as adjusted under Section 8.B.1.a. of the guidelines or the amount in Item 17. [Guidelines 8.b.1.A]
- If the non-custodial parent pays for work-related childcare during periods of physical custody, the amount paid by that parent may also be included here (each month's amount added together and divided by 12 to annualize the cost). The annualized amount paid directly by the non-custodial parent may be subtracted under the Non-custodial Child Care Adjustment section, Item 31. Complete Item 17 on the Basis for Amounts Shown on Worksheet.
- (18) Type or print the monthly costs of reasonable and necessary expenses for special or private schools and special educational activities. These expenses must be agreed upon by both parents or ordered by the court. [Guidelines 8.b.1.B]
- (19) If any of the children for whom support is being ordered are gifted or handicapped and have special needs that are not recognized elsewhere, the additional monthly cost of meeting those needs should be entered here. [Guidelines 8.b.1.C]
- (20) Type or print the monthly costs of court-ordered supervised visitation or supervised exchanges, if not otherwise assigned by court order to one or both parties. [Guidelines 8.b.1.D.]
- (21) Average expenditures for children age 12 or older are approximately 10% higher than those for younger children. Therefore, if support is being determined for children 12 or older, enter the number of children who are 12 or older, and the monthly dollar amount of increase you believe this warrants. The highest possible increase would be 10% of the basic child support obligation. If more than one child is 12 or older, divide the basic support obligation by the number of children and multiply that figure by the number of children 12 or older; up to 10% of this amount may be requested as an adjustment. Explain why you think more support is needed on the Basis for Amounts Shown on Worksheet, Item 19. [Guidelines 8.b.2.]
- (22) Add the amounts from Items 16, 17, 17a, 18, 19, 20 and 21 for both parents. Enter the total amount on the line in Item 22.

TOTAL CHILD SUPPORT OBLIGATION

- (23) Add the amounts from Items 15 and 22. Enter the total amount on the line in Item 23. This is the Total Child Support Obligation amount.

EACH PARENT'S PERCENTAGE (%) OF COMBINED INCOME

Complete the calculations in this section to the best of your knowledge and ability. [Guidelines 9]

- (24) For each parent, type or print the amount shown in Item 12.
- (25) For each parent, type or print the amount shown in Item 13.

- (26) For each parent, divide the amount written in Item 24 by the amount written in Item 25. This will probably give you a decimal point answer less than 100%. However, if one parent earns all of the income for the family, this number will be 100%.

EXAMPLE: Item 24 = \$600
 Item 25 = \$1000 \$600 - \$1,000 = .60 or 60%

EACH PARENT'S PERCENTAGE (%) OF THE TOTAL CHILD SUPPORT OBLIGATION

Complete the calculations in this section to the best of your knowledge and ability.

- (27) For each parent, type or print the amount shown in Item 23.
- (28) For each parent, type or print the amount shown in Item 26.
- (29) For each parent, multiply the number in Item 27 by the number for that parent in Item 28. This equals the amount each parent should pay for child support.

EXAMPLE: Item 27 = \$189
 Item 28 = 60% \$189 x .60 = \$113.40

ADJUSTMENT FOR COSTS ASSOCIATED WITH VISITATION

- (30) To adjust for the costs of visitation, first determine the total amount of visitation indicated in a court order or parenting plan or by the expectation or historical practice of the parents. Using the following definitions, add together each period of visitation within twenty-four hours to arrive at the total number of visitation days per year.

- A. "One day" means more than 12 continuous and consecutive hours or an overnight.
- B. "One-half day" means more than 4 hours and up to and including 12 continuous and consecutive hours.
- C. "One-quarter day" means up to and including 4 continuous and consecutive hours.

For purposes of calculating visitation days, only the time spent by a child with the non-custodial parent is considered. Time that the child is in school or childcare is not considered.

Calculate the total number of visitation days by determining the extended periods of visitation first. Potential midweek visits or weekends should be reduced to reflect time spent on extended visitation periods.

Example: Father's visitation schedule calls for four weeks of summer visitation, alternating weekends and one midweek visit each week. The summer visitation of 4 weeks reduces the potential alternating weekends from 26 to 24. The midweek visits are also reduced from 52 to 48.

After determining the total number of visitation days, refer to "Visitation Table A"

"Visitation Table A" assumes that as the number of visitation days approaches equal time sharing (143 days and above), certain costs usually incurred only in the custodial household are assumed to be substantially or equally shared by both parents. These costs are for items such as the child's clothing and personal care items, entertainment, and reading materials. If this assumption is rebutted by proof, however, by the person objecting to the assumption taking place, that these items are not duplicated in each household, only "Visitation Table B" must be used to calculate the visitation adjustment for this range of days.

If time with each parent is essentially equal, neither party receives a visitation adjustment. [Guidelines 10]

VISITATION TABLE A		
Number of Visitation Days		Adjustment Percentage
0	3	0
4	20	.012
21	38	.031
39	57	.050
58	72	.085
73	87	.105
88	115	.161
116	129	.195
130	142	.253
143	152	.307
153	162	.362
163	172	.422
173	182	.486

VISITATION TABLE B		
Number of Visitation Days		Adjustment Percentage
143	152	.275
153	162	.293
163	172	.312
173	182	.331

MEDICAL INSURANCE PREMIUM ADJUSTMENT

- (31) If the parent who will be ordered to make the child support payment is the same parent who will pay the children's medical insurance premium, enter the amount from Item 16 here.

NON-CUSTODIAL CHILD CARE ADJUSTMENT

- (31) If the parent who will be ordered to make the child support payments pays for work-related child care during periods of visitation, enter the amount from Item 17a. Complete Item 17 on the Basis for Amounts Shown on Worksheet.

EXTRA EDUCATION ADJUSTMENT

- (31) If the parent who will be ordered to make the child support payment is the same parent who will pay the children's reasonable and necessary expenses for attending private or special schools, enter the amount from Item 18 here.

EXTRAORDINARY/SPECIAL NEEDS CHILD

- (31) If the parent who will be ordered to make the child support payment is the same parent who will pay the special needs of gifted or handicapped children, enter the amount from Item 19 here.

COURT-ORDERED VISITATION/EXCHANGE

- (31) If the parent who will be ordered to make the child support payment is the same parent who will pay the costs associated with court-ordered supervision or supervised exchanges, enter the amount from Item 20 here.

ADJUSTMENTS SUBTOTAL

- (31) For the non-custodial parent, add the amounts entered in Items 30 and 31. Enter the total in Item 32.

PRELIMINARY CHILD SUPPORT AMOUNT

- (33) Deduct the amount in Item 32 from Item 29. [Guidelines 11]

EQUAL TIME SHARING, UNEQUAL INCOMES

- (34) If the time spent with each parent is essentially equal, but the incomes are not equal, the total child support amount shall be divided equally between the two households. In this case, adjustments under Item 31 apply for both parents, if the parent(s) pays a third party for the services listed under Item 31. The parent owing the greater amount shall be ordered to pay what is necessary to achieve that equal share in the other parent's household. Determine which parent has the lower preliminary child support amount from Item 33, deduct the lower amount from the higher amount, divide that amount in half. The resulting amount is paid to the parent with the lower obligation. Enter the amount in Item 34. If time with each parent is essentially equal, neither party receives a visitation adjustment. [Guidelines 10]

MULTIPLE CHILDREN, DIVIDED CUSTODY

- (35) When each parent is granted physical custody of at least one of the parties' children, each parent is obligated to contribute to the support of all the children. However, the amount of current support to be paid by the parent having the greater support obligation shall be reduced by the amount of support owed to that parent by the other parent. Determine which parent has the lower preliminary child support amount from Item 33, deduct the lower amount from the higher amount. The resulting amount is paid to the parent with the lower obligation. Enter the amount in Item 35. [Guidelines 14]

SELF SUPPORT RESERVE TEST

- (36a) Enter the paying parent's adjusted gross income from Item 12, then enter \$710 (the self-support reserve amount) in Item 36a. [Guidelines 13]

- (36b) The court may deduct from the non-custodial parent's adjusted gross income for purposes of the self support serve test only, court-ordered arrears on child support for children of other relationships or spousal maintenance, if actually paid. Enter any arrears amount actually paid in Item 36b. [Guidelines 13]
- (37) Deduct \$710 (the self-support reserve amount) and any arrears amount actually paid, from the adjusted gross income of the parent who will pay support. If the resulting amount is less than the preliminary child support amount, the court may reduce the current child support order to the resulting amount after first considering the financial impact the reduction would have on the custodial household. The test applies only to the current support obligation, but does not prohibit an additional amount to be ordered to reduce an obligor's arrears. Absent a deviation, the preliminary child support amount or the result of the self-support reserve test is the amount of the child support to be ordered in Item 38. [Guidelines 13]

AMOUNT TO BE ORDERED BASED ON THESE CALCULATIONS

- (38) The amount on this Item is the amount of child support that should be ordered based on your calculations. ENTER THE LESSER AMOUNT FROM Item 33, 34, 35 or 36.

DEVIATION FROM THE GUIDELINES AMOUNT

- (39) The court shall deviate from the guidelines (i.e., order support in an amount different from the amount which is calculated under these guidelines), if an order would be unjust or inappropriate. Show the total support amount you believe should be ordered. A deviation can only be ordered if the court makes appropriate findings. Complete Item 39 on the Basis For Amounts Shown on Worksheet if you believe a deviation is warranted. [Guidelines 18]

RESPONSIBILITY FOR VISITATION-RELATED TRAVEL EXPENSES

- (40) The court may allocate the costs of visitation-related travel. On the Basis for Amounts Shown on Worksheet, Item 40, describe the expected visitation plan and related travel/transportation expenses. On this Item, list the dollar amount or percentage you think each parent should pay toward the travel/transportation costs. The court will decide how to allocate the expense. The allocation of expense does not change the amount of the support ordered in Item 38. [Guidelines 16]

RESPONSIBILITY FOR MEDICAL EXPENSES NOT PAID BY INSURANCE

- (41) The court must specify each parent's proportionate share of uninsured medical expenses for the children. Based on each parent's ability to pay, indicate what you think this percentage should be for each parent. The court will make the final decision. [Guidelines 8.a.]

SIGNATURE LINE

- (42) The person completing the worksheet must sign here before a Notary Public or Court Clerk affirming the correctness of the information. (If both parents complete the form together, both should sign here.)

WHEN YOU HAVE COMPLETED THIS WORKSHEET:

If you are completing this worksheet to **establish** a child support obligation:

- ✓ Make a copy of the worksheet for your records;
- ✓ Make a copy to send or deliver to the other party and/or the state prior to the hearing;
- ✓ Take the original to court at the time of your hearing; and
- ✓ Take financial documentation.

If you are completing this worksheet to **modify** a child support obligation:

- ✓ Attach any documentation required for Item 7 or 8;
- ✓ Make a copy of the worksheet for your records;
- ✓ Make a copy of the worksheet to serve on the other party and/or the state; and
- ✓ Attach the original worksheet to the Request for Modification of Child Support Pursuant to Guidelines' Simplified Procedure and file it with the Clerk of Superior Court.